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United States Department of Agriculture

AGRICULTURAL MARKETING SERVICE

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1790–1800

[Approved by the Assistant Secretary of Agriculture, Washington, D. C., November 21, 1941]

1790. Misbranding of "Sterolube." U. S. v. 20 Pint Cans of "Sterolube." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2182. Sample No. 13316–E.)

This product was labeled as "Sterolube," implying thereby that it would sterilize, whereas it would not. The label did not bear the required ingredient statement.

On April 29, 1940, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 pint cans of Sterolube at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about November 9, 1939, by Hayden Mounger, from Los Angeles, Calif., and charging that it was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statement, "Sterolube," borne on the label, was false and misleading and tended to deceive and mislead purchasers, since the product would not act as a sterilizer. The product was alleged to be misbranded further, in that it consisted partially of inert substances, namely, substances other than phenols and essential oils, and the name and the percentage amount of the inert substances were not stated plainly and correctly, or at all, on the label affixed to the cans; nor, in lieu thereof, were the name and the percentage amount of each and every substance or ingredient having fungicidal (bactericidal) properties, and the total percentage of the inert substances. stated plainly and correctly, or at all, on the label affixed to the cans.

On May 10, 1940, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1791. Adulteration and misbranding of Pine Oil Disinfectant. U. S. v. 21 Cans of Pine Oil Disinfectant. Default decree of condemnation and forfeiture. Product ordered to be delivered to a charitable institution. (I. & F. No. 2207. I. D. No. 1041.)

This product was found to consist, in part, of mineral oil, without a statement of that ingredient on the label; it was found to possess a phenol coefficient of less than that stated on the label; and the label failed to bear the required ingredient statement.

On February 6, 1941, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying the seizure and condemnation of 21 one-gallon cans of pine oil disinfectant at New York, N. Y., alleging that the product had been shipped in interstate commerce on or about January 7, 1941, from Paterson, N. J., by the Sanitary Floor Compound Company; and charging that it was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Pine Oil Disinfectant A Certified Disinfectant Made from Pure Steam Distilled Pine Oil." The product was alleged to be adulterated further, in that another substance, namely, mineral oil, had been substituted in part for the product, that is to say, for pine oil disinfectant made from pure steam-distilled pine oil.

The product was alleged to be misbranded, in that the statements, "Pine Oil Disinfectant A Disinfectant Made from Pure Steam Distilled Pine Oil * * * Phen. Coef.–2 plus," borne on the label, were false and misleading, and by reason of the statements the product was labeled so as to deceive and mislead purchasers, since it did not consist completely of pine oil disinfectant made from pure steam-distilled pine oil, and did not possess a phenol coefficient of 2 plus. The product was alleged to be misbranded further, in that it consisted partially of an inert substance, namely, mineral oil, and the name and the percentage amount thereof were not stated plainly and correctly on the label; nor, in lieu thereof, were the name and the percentage amount of each and every substance or ingredient of the product having fungicidal properties, and the total percentage of the inert substances present therein, stated plainly and correctly on the label.

On March 17, 1941, no claimant having appeared, a decree of condemnation and forfeiture was entered and it was ordered that the product be delivered to a charitable institution for its own use, but not for sale.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1792. Adulteration and misbranding of Altman's Hypochlorite Solution, and Louse Powder, and misbranding of Clor-A-Ster, and Altman's Cresol Disifectant. U. S. v. R. S. Altman, trading as the Irwin Chemical Company. Plea of nolo contendere. Fine, $100 and costs. (I. & F. No. 2204. I. D. Nos. 280, 283, 285, 286.)

Samples of the Altman's Hypochlorite Solution were found to contain less sodium hypochlorite than was stated on the label, the product was not nonpoisonous, as stated, nor was it 10 times more powerful than carbolic acid, as a germ destroyer. The label and a circular shipped with the product bore unwarranted claims that the product would act as an effective disinfectant, when used as directed, and that the product would destroy all bacteria, kill all germs, and sterilize dairy equipment. The label also failed to bear the required ingredient statement.

The label found on the samples of the Clor-A-Ster bore unwarranted statements that it would sterilize and would be an effective germicide for use in dairies. The label for this product also failed to bear the required ingredient statement.

Samples of the Louse Powder were found to contain less naphthalene than was stated on the label, which also bore an unwarranted statement that the product would prevent poultry lice when used as directed. The label failed to bear the required ingredient statement.

Samples of the Altman's Cresol Disinfectant were found to consist chiefly of coal-tar neutral oils with smaller amounts of coal-tar acids, soap, and water. The label bore unwarranted statements that the product would produce permanent disinfection and that as a germ destroyer it was four times as strong as carbolic acid. The label failed to bear the required ingredient statement.

On February 3, 1941, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court of information against R. S. Altman, trading at Irwin, Pa., under the name of the Irwin Chemical Company. It was alleged that shipment was made in interstate commerce, in the year 1940 (the exact month and day of which are unknown), from Irwin, Pa., into the State of West Virginia, of a quantity of Altman's Hypochlorite Solution, which was an adulterated and misbranded fungicide, a quantity of Clor-A-Ster, which was a misbranded fungicide, a quantity of Louse Powder, which was an adulterated and misbranded insecticde, and a quantity of Altman's Cresol Disinfectant, which was a misbranded fungicide, all within the meaning of the Insecticide Act of 1910.

The Altman's Hypochloride Solution was alleged to be adulterated, since its strength and purity fell below the professed standard and quality under which it was sold, namely, "Contains 5% Sodium Hypochlorite." This product was alleged to be misbranded, in that the statements (on label), "Altman's Hypochlorite Solution An Effective and Efficient Disinfectant, Germicide * * * is a safe, nonpoisonous antiseptic and is ten times more powerful than Carbolic Acid as a germ destroyer. * * * Contains 5% Sodium Hypochlorite by wt. * * * For bath tubs, sinks, bed pans, cuspidors, spraying roosts, crates, incubators, etc.: 6 tablespoons to one gallon of water. For egg dip, milking utensils, watering troughs, * * * general scrubbing and laundry use: 1 tablespoon to 1 gallon of water," and the statements (on circular), "Altman's Hypochlorite * * * is a highly stabilized chlorine product that destroys bacteria on contact. It is ten times as powerful as pure carbolic acid, as shown by actual tests on typhoid germs, yet is nonpoisonous * * * Bronchitis—* * * Spray premises and

litter using ½ pint of Hypochlorite to the gallon of water. * * * It is essential that Hypochlorite be added to all drinking water to kill germs * * * eggs and incubators—spray with solution of two tablespoons to each gallon of water. Dairy Equipment * * * to sterilize * * * milking machines, separators, bottles, strainers, cans, pails, and all equipment, using two tablespoons of Hypochlorite to each gallon of water. Bath Room and Sink—rinse in a solution of two tablespoons of Hypochlorite to each gallon of water. * * * Refrigerators—* * * This will keep it * * * free from germs, * * * Tooth Brush, False Teeth—Clean and disinfect by soaking in a half glass of water with one teaspoon of Hypochlorite added," were false and misleading; and by reason of the statements the product was labeled so as to deceive and mislead purchasers, since it contained sodium hypochlorite in a proportion less than 5 percent; it was not nonpoisonous; it was not 10 times more powerful than carbolic acid as a germ destroyer; it was not an effective disinfectant when used as directed; it would not destroy all bacteria; would not kill all germs; and would not sterilize dairy equipment. This product was alleged to be misbranded further, in that it consisted partially of inert substances, namely, substances other than sodium hypochlorite, and the name and percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of the substance or ingredient of the product having fungicidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on the label.

The Clor-A-Ster was alleged to be misbranded, in that the statements, "Sterilizer * * * Chart of Solutions Clor-A-Ster A—½ Ounce Water 15 Gal. P. P. M. 100 * * * Farm Dairies—Bottle Sterilizers, bottle fillers, pails, cans, separators, etc., rinse with solution A * * * For bottle fillers, pumps, etc., use 50 P. P. M. or ¼ oz. to 15 gal. water," borne on the label, were false and misleading, and by reason of the statements the product was labeled so as to deceive and mislead the purchaser, since it would not sterilize and would not be an effective germicide for milk bottles, bottle fillers, milk pails, cans, separators, etc., or milk pumps, when used at the dilutions specified on the label. This product was alleged to be misbranded further, in that it consisted partially of inert substances, namely, substances other than calcium hypochlorite, and the name and percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of the substance or ingredient of the product having fungicidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on the label.

The Louse Powder was alleged to be adulterated, since its strength and purity fell below the professed standard and quality under which it was sold, namely: "Naphthaline 10%." This product was alleged to be misbranded, in that the statements, "Louse Powder * * * Naphthaline 10% * * * DIRECTIONS Poultry * * * Mix one package of Louse Powder with a bushel of ashes, letting the fowl use it as a dust bath. This is a very effective preventive for poultry lice," borne on the label, were false and misleading, and by reason of the statements the product was labeled so as to deceive and mislead the purchaser, since the product would not prevent poultry lice, when used as directed, and it contained naphthalene in a proportion less than 10 percent. This product was alleged to be misbranded further, in that it consisted, partially, of inert substances, namely, substances other than naphthalene, nicotine, and pyrethrins, and the name and the percentage amount of the inert substances were not stated plainly and correctly on the label; nor, in lieu thereof, were the name and percentage amount of each substance or ingredient of the product having insecticidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on the label.

The Altman's Cresol Disinfectant was alleged to be misbranded, in that the statements, "Cresol Disinfectant * * * This type of disinfectant is outstanding where permanent disinfection is desired, being four (plus) times as strong as Carbolic Acid as a germ destroyer," borne on the label, were false and misleading; and by reason of the statements the product was labeled so as to deceive and mislead the purchaser, since it did not consist of cresol, and it would not produce permanent disinfection and it was not four times as strong as carbolic acid as a germ destroyer. This product was alleged to be misbranded further, in that it consisted partially of inert substances, and the name and percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and percentage amount of each and every substance or

ingredient of the product having fungicidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly on the label.

On April 10, 1941, a plea of nolo contendere was entered and the court imposed a fine of $100 and costs.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1793. Misbranding of Sheps Plant Spray. United States v. Anson L. Shepard (Shepard Laboratories). Plea of guilty. Fine, $40. (I. & F. No. 2205. Sample Nos. 16229–E, 16230–E.)

The shipment in this case involved ½-oz. and 1½-oz. bottles of the product. The labels did not bear the required ingredient statement. The labels bore unwarranted claims that the product was nonpoisonous and that it would act as an effective insecticide against various insects.

On March 31, 1941, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Anson L. Shepard, trading at Omaha, Nebr., under the name of the Shepard Laboratories, alleging shipment in interstate commerce, on or about March 1, 1940, from Omaha, Nebr., into the State of Missouri, of a quantity of "Sheps Plant Spray," which was a misbranded insecticide, within the meaning of the Insecticide Act of 1910.

The product contained in the ½-oz. bottles was alleged to be misbranded in that the statements (on bottle label), "Sheps Plant Spray Non-Poisonous * * * High Killing Power * * * Spray regularly to Kill and Control Ants, * * * Worms, Bugs, * * * Contents ½ oz. Makes 2 gallons DILUTIONS Half strength solution ½ teaspoonful to 1 Qt. Water. Normal strength solution 1 teaspoonful to 1 Qt. Water. Double strength solution 2 teaspoonfuls to 1 Qt. Water," (on individual carton), "Sheps Plant Spray * * * Non-Poisonous * * * Harmless to children, birds, pets. * * * High Killing Power Kills Plant Insects * * * Kills and Controls Ants * * * Leaf Roller * * * Mildew (down) * * * Rose Chafer * * * and other insects," (on display carton), "Sheps Non-Poisonous Plant Spray High Killing Power Kills Plant Insects on Flowers, Vines, Vegetables, Shrubs and Small Fruit * * * Harmless to Humans, Birds, Animals, Pets," together with certain statements borne in a circular shipped with the article, were false and misleading; and by reason of the statements the product was labeled so as to deceive and mislead the purchaser, since it was not nonpoisonous; it would not kill and control ants, worms, and bugs that infest or attack garden flowers, roses, vegetables, vines, shrubs, small fruit, and house plants, when used as directed; it did not possess high-killing power against such insects; it would not kill all plant insects on flowers, vines, shrubs, vegetables, and small fruit, and would not kill and control ants, leaf rollers, rose chafers, and other insects; it would not control downy mildews of plants when used as directed; it would not effectively rid your growing things of insect pests or keep them free from the vast army of chewing and sucking plant destroyers when used as directed; its use would not protect every growing thing and flowers, vegetables, vines, shrubs, and small fruit from insects; it would not protect ferns, house plants, lawns, gardens, greenhouse, and garden soil from insects, nor safeguard plants from insects; and it would not kill Japanese beetles, tomato worms, caterpillars, beetles, worms, and ants, when used as directed.

The product contained in the 1½-oz. bottles was alleged to be misbranded in that the statements (on bottle label), "Sheps Plant Spray NON-POISONOUS * * * High Killing Power * * * Contents 1½ oz. Makes 6 gallons. * * * Spray regularly to Kill and Control Ants, * * * Worms, Bugs, * * * One of the famous Sheps' Non-poisonous Insecticides. Makes 6 gallons, DILUTIONS Half strength solution ½ teaspoonful to 1 Qt. Water. ¼ Oz. to 1 Gal. Water. Normal Strength Solution 1 teaspoonful to 1 Qt. Water. ½ oz. to 1 Gal. Water. Double Strength Solution 2 teaspoonfuls to 1 Qt. Water. 1 Oz. to 1 Gal. Water," (on individual carton), "Sheps Plant Spray High Killing Power Kills plant insects on flowers, vines, shrubs, vegetables, small fruit. Non-Poisonous Harmless to children, birds, pets. * * * Kills and Controls Ants * * * Leaf Roller * * * Mildew (downy) * * * Rose Chafer * * * and other insects," (on display carton), "Sheps Non-Poisonous Plant Spray High Killing Power Kills plant insects on flowers, vines, vegetables, shrubs, and small fruit. * * * Harmless to humans, birds, animals, pets," were false and misleading, and by reason of the statements the product was labeled so as to deceive and mislead the purchaser, since the product was not nonpoisonous; it would not kill and control ants, worms, and bugs on garden flowers, roses, vegetables, vines, shrubs,

small fruits, and house plants, and it did not possess high killing power when used as directed; it would not kill all plant insects on flowers, vines, shrubs, vegetables, and small fruit, nor would it kill and control ants, leaf rollers, rose chafers, and other insects when used as directed; and it would not control downy mildew on plants when used as directed.

The product in both the small bottles and the large bottles was alleged to be misbranded in that it consisted partially of an inert substance, namely, water, and the name and the percentage amount thereof were not stated plainly and correctly on the label; nor in lieu thereof were the name and the percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substance so present therein, stated plainly and correctly on the label.

On April 18, 1941, a plea of guilty was entered and a fine of $40 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1794. Adulteration and misbranding of Perfection Lice Powder. U. S. v. I. B. Rogers Company, a corporation. Plea of Guilty. Fine, $25 and costs. (I. & F. No. 2202. Sample Nos. I. D. 116, 85063–D.)

Samples of this product were found to contain less than 10 percent of sulfur, the amount stated on the label.

On December 27, 1940, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against the I. B. Rogers Co., an Illinois corporation, Danville, Ill., alleging shipments in interstate commerce on or about January 6 and July 30, 1940, from Danville, Ill., into the States of Iowa and Indiana, of quantities of "Perfection Lice Powder," which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product in each shipment was alleged to be adulterated, in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "sulfur 10%."

The product in both shipments was alleged to be misbranded, in that the statement, "sulfur 10%," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since it contained less than 10 percent of sulfur.

On May 14, 1941, a plea of guilty was entered and a fine of $25 and costs was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1795. Misbranding of "Solukress." U. S. v. Kremers-Urban Co., a corporation. Plea of nolo contendere. Fine, $100. (I. & F. No. 2200. I. D. No. 1.)

This product was labeled as having a much higher Staphylococcus aureus phenol coefficient than was actually possessed by the product. The label also bore unwarranted claims that the product would sterilize instruments and that it would be an effective disinfectant for general use, including sick rooms, etc.

On December 30, 1940, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kremers-Urban Company, a corporation, Milwaukee, Wis., alleging shipment in interstate commerce on or about March 4, 1940, from Milwaukee, Wis., into the State of Illinois, of a quantity of "Solukress," which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statement, "Phenol coefficient 4. F. D. A.—S. Aureus," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product possessed a Staphylococcus aureus phenol coefficient of much less than 4, to wit, not more than 1.7, when tested by the Food and Drug Administration method.

The product was alleged to be misbranded further in that the statements, "For sterilizing instruments, 1% to 3% solution. For general disinfection, sick rooms, bath rooms, kitchen, laundry, wash sink, garbage pail, wash basin, etc., use a dilution of 2 ounces to a gallon of water," borne on the label, were false and misleading and tended to deceive and mislead the purchaser, since the product would not sterilize instruments when used in a 1 percent to 3 percent solution, nor would it act as an effective disinfectant when used in a dilution of 2 ounces of the product to 1 gallon of water.

On June 9, 1941, a plea of nolo contendere was entered and a fine of $100 was imposed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1796. Misbranding of "Snak." U. S. v. Max Berg (Berg Manufacturing Co.). Plea of guilty. Fine, $50 and costs. (I. & F. No. 2215. Sample No. 16439–E.)

The label for this product bore unwarranted claims that it would act as an effective insecticide against various insects and that it was nonpoisonous. The label did not bear the required ingredient statements.

On or about June 4, 1941, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Max Berg, trading at Tulsa, Okla., under the name of the Berg Manufacturing Co., alleging shipment in interstate commerce on or about April 9, 1940, from Tulsa, Okla., into the State of Nebraska, of a quantity of "Snak," which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded, in that the statements, "Snak A Food Killer Sanitary Insect Card An all season product that instantly appeals to the house wife. A modern sanitary method of ridding your home or place of business of such germ carrying insects as roaches, waterbugs, spiders, thousand leggers, silverfish, crickets, beetles and bedbugs. This product will positively attract the pests. The insect will eat the processed compound off the card, and will wander back to their den to die. Destructive powder is gone as soon as they eat the compound. They disappear. It cremates them. No contamination to foods, safe, sanitary, economical. No injury to child or pet. DIRECTIONS Place cards on end where insects are prevalent. Leave until black compound is eaten off. Positively do not use any powders or liquids while using Snak, as this is a food killer," borne on the label, were false and misleading and tended to deceive and mislead purchasers, since the product was not nonpoisonous and would not rid the home or the place of business of insects, roaches, water bugs, spiders, thousand leggers, silver fish, crickets, beetles, or bedbugs, nor would it cremate such insects. The product was alleged to be misbranded further, in that it consisted partially of inert substances, namely, substances other than phosphorous, and the name and percentage amount thereof were not stated plainly and correctly or at all, on the label; nor in lieu thereof were the name and the percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substances so present therein, stated plainly and correctly, or at all, on the label.

On June 10, 1941, a plea of guilty was entered and the court imposed a fine of $50 and costs.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1797. Misbranding of Zenco Shampoo. U. S. v. Julius H. Orovan and Herman E. Orovan, co-partners trading as the Zenith Novelty Co. Plea of nolo contendere. Fine, $50. (I. & F. No. 2209. I. D. No. 394.)

The label for this product did not bear the required ingredient statement.

On April 4, 1941, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Julius H. Orovan and Herman E. Orovan, co-partners trading at New York, N. Y., under the name of the Zenith Novelty Co., alleging shipment in interstate commerce on or about April 13, 1940, from New York, N. Y., into the District of Columbia, of a quantity of Zenco Shampoo, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that it consisted partially of an inert substance, namely, water, and the name and the percentage amount thereof were not stated plainly and correctly, or at all, on the label; nor in lieu thereof were the name and the percentage amount of each and every substance or ingredient of the article having insecticidal properties, and the total percentage of the inert substance so present therein, stated plainly and correctly, or at all, on the label.

On July 3, 1941, a plea of nolo contendere was entered and the court imposed a fine of $25 against each of the two defendants.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1798. Misbranding of Hartz Mountain Bird Wash. U. S. v. Gustav Stern and Max Stern, co-partners, trading under the name of Hartz Mountain Products. Verdict of guilty. Fine, $200. (I. & F. No. 2087. Sample No. 26087–D.)

This product contained a larger percentage of inert ingredients than was stated on the label. The label also bore unwarranted statements that the product, when used as directed, would act as an effective insecticide against lice.

On July 20, 1939, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court an information against Gustav Stern and Max Stern, co-partners trading as Hartz Mountain Products, at New York, N. Y., alleging shipment in interstate commerce, on or about May 19, 1938, from New York, N. Y., into the State of New Jersey, of a quantity of Hartz Mountain Bird Wash, which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The product was alleged to be misbranded in that the statements, "Helps to * * * keep away lice. Directions Use Full Tablespoon in bird's bath for every few days each month. As a spray, use one tablespoon to two ounces of water," borne on the label were false and misleading and tended to deceive and mislead the purchaser, since the product, when used as directed, would not prevent, destroy, repel, or reduce lice on birds.

The product was alleged to be misbranded further in that the statement, "Inert Ingredients 90.9%," borne on the label, was false and misleading and tended to deceive and mislead the purchaser, since the product did not contain inert ingredients in the proportion of not more than 90.9 percent, but did contain a larger amount thereof.

On July 23, 1941, a jury having returned a verdict of guilty, the court imposed a fine of $200.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1799. Adulteration and misbranding of Laundrex Bleach. U. S. v. 46 Pint Bottles, 298 quart bottles, and 59 half-gallon bottles, more or less, of Laundrex Bleach. Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2208. I. D. Nos. 1500, 1501.)

This product contained less sodium hypochlorite and more inert ingredients, and the pint and half-gallon bottles contained less of the product, than was stated on the label. The label also bore an unwarranted claim that the product when diluted as directed would make a solution containing 200 parts per million of available chlorine.

On February 11, 1941, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Laundrex Bleach in pint, quart, and half-gallon bottles, at Clovis, N. M., alleging that the article had been shipped in interstate commerce on or about February 8 and October 3, 1940, and February 7, 1941, by the H. A. Marr Grocery Company, from Amarillo, Tex., and charging that the product was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The product was alleged to be adulterated, since its strength and purity fell below the professed standard and quality under which it was sold, namely, "Active Ingredient Sodium Hypochlorite 5.25% Inert Ingredients 94.75%."

The product in all bottles was alleged to be misbranded in that the statements, "Active Ingredient Sodium Hypochlorite 5.25% Inert Ingredients 94.75% * * * available chlorine solution of 200 parts per million is prepared by adding one ounce Laundrex to four gallons of water," borne on the labels, was false and misleading and tended to deceive and mislead the purchaser, since the product contained sodium hypochlorite in a proportion less than 5.25 percent and contained inert ingredients in a proportion greater than 94.75 percent, and since the product when diluted as directed would not make a solution containing 200 parts per million of available chlorine.

The product contained in the pint and half-gallon bottles was alleged to be misbranded further, in that the statements, "Net Contents One Pint" and "Net Contents One-half Gallon," borne on the respective labels were false and misleading and tended to deceive and mislead the purchaser, since the pint bottles contained less than 1 pint and the half-gallon bottles contained less than ½ gallon of the product.

On July 25, 1941, no claimant having appeared, judgment of condemnation and forfeiture was entered and the product was ordered to be destroyed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

1800. Adulteration and misbranding of 33 Bleach Disinfectant Cleanser, 33 Brand Bleach, and 33 Bleach. U. S. v. 95 Cases of "33 Bleach Disinfectant Cleanser," 49 Cases of "33 Brand Bleach," and 76 Cases of "33 Bleach." Default decree of condemnation, forfeiture, and destruction. (I. & F. No. 2224. I. D. Nos. 3313, 3314, 3315, 3316.)

It was represented on the labels of these products that they contained more sodium hypochlorite and less inert ingredients than were actually contained therein.

On July 22, 1941, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court a libel praying seizure and condemnation of 95 cases of "33 Bleach Disinfectant Cleanser," 49 cases of "33 Brand Bleach," and 76 cases of "33 Bleach," at Houston, Tex., alleging that the article had been shipped in interstate commerce, on or about March 16 and May 1, 1940, by the Beacon Chemical Corporation, from Philadelphia, Pa.; and charging that the products were adulterated and misbranded fungicides within the meaning of the Insecticide Act of 1910.

Each of the products was alleged to be adultered in that its strength and purity fell below the professed standard and quality under which it was sold, namely, active ingredient—sodium hypochlorite 5.25 percent, inert ingredients 94.75 percent.

The 33 Bleach Disinfectant Cleanser and the 33 Brand Bleach were alleged to be misbranded in that the statements, "active ingredient—sodium hypochlorite 5.25%, inert ingredients 94.75%," borne on the respective labels, were false and misleading and tended to deceive and mislead the purchaser, since the products contained sodium hypochlorite in a proportion less than 5.25 percent and they contained inert ingredients in a proportion greater than 94.75 percent.

The 33 Bleach was alleged to be misbranded, in that the statements, "Active Ingredient—Sodium Hypochlorite 5.25% by wt., Inert Ingredients 94.75% by wt.," borne on the labels, were false and tended to deceive and mislead the purchaser, since the product contained sodium hypochlorite in a proportion less than 5.25 percent, by weight, and contained inert ingredients in a proportion greater than 94.75 percent, by weight.

On August 28, 1941, no claimant having appeared, a decree of condemnation and forfeiture was entered and the products were ordered to be destroyed.

GROVER B. HILL,
Assistant Secretary of Agriculture.

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